

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: PHYSICIANS AND SURGEONS HOSPITAL
GROUP, d/b/a TRI-LAKES MEDICAL CENTER**

DEBTOR

CHAPTER 11

CASE NO: 07-12967-DWH

**ORDER FOR RELIEF FROM AUTOMATIC STAY
TO THE EXTENT OF INSURANCE COVERAGE**

BEFORE THE COURT is the motion of, Linda Wright, Administratrix, on behalf of the Estate of Diane Williams, Deceased, and all wrongful death beneficiaries of Diane Williams, Deceased ("the Movant"), by and through her attorneys, Merkel & Cooke, P.A., for relief from the automatic stay pursuant to Title 11, U.S.C. §362(a).

The Movant intends to file a state court medical malpractice/wrongful death action against several defendants, including Physicians and Surgeons Hospital Group, d/b/a Tri-Lakes Medical Center, Debtor herein, and various of its employees.

The Movant seeks relief from the automatic stay to the extent of liability insurance available to the Debtor for claims to be alleged by the Movant.

The Court, having considered the motion and arguments of counsel at the hearing held on September 18, 2009, finds the Movant's motion to be well taken, and, accordingly, hereby grants the Movant relief from the automatic stay, to pursue her claims against the Debtor to the extent of any and all liability insurance coverage available to the Debtor and/or the Mississippi Insurance Guaranty Fund. The Movant is immediately allowed to file a state court complaint against defendants, including the Debtor. However, the Movant shall not serve process on the Debtor until on or after November 17, 2009, so as to allow the Debtor an opportunity to coordinate a defense of the action. Counsel for the Debtor agrees to accept


service of process on behalf of the Debtor in the medical malpractice/wrongful death action. Any judgment obtained against the Debtor or settlement between the Movant and the Debtor may only be satisfied by insurance proceeds or by funds from the Debtor's insurance carrier and/or the Mississippi Insurance Guaranty Fund and not by personal assets of the Debtor, or assets of the Debtor's bankruptcy estate.

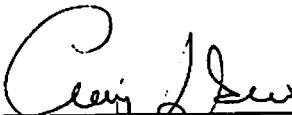
SO ORDERED, this the 8th day of ^{October}~~September~~, 2009

David W. Houston, II

UNITED STATES BANKRUPTCY JUDGE

AGREED AS TO FORM AND CONTENT:


CHARLES M. MERKEL, III (MSB #99207)
Merkel & Cocke, P.A.
30 Delta Avenue
Post Office Box 1388
Clarksdale, MS 38614
Telephone: (662) 627-9641
Fax: (662) 627-3592
Attorneys for Movant
cmerkel3@merkel-cocke.com


CRAIG M. GENO (MSB # 0792)
Harris & Geno, PA
Post Office Box 3380
Ridgeland, MS 39158-3380
Telephone: 601-427 0048
cmgeno@harrisgeno.com